

## POLITICAL ADVERTISEMENT. POLITICAL ADVERTISEMENT.

## REPUBLICAN DEPARTMENT

Published and Paid for by the Republican Committee of Weber County.

Reliable Information Regarding the Progress of the Campaign Afforded Here Along With Logical Arguments for a Return of Republican Administration.

## PUBLIC SERVICE OF CHARLES E. HUGHES TOLD SERIALLY

The appointment of Charles E. Hughes as a justice of the supreme court of the United States, unlike some of the appointments made during the present administration, met with universal acclaim. His eminent fitness for the office was conceded by all.

From the first, he made clear his belief and desire that his judicial work was to be his life work, worthy of the utmost energy and ability at his command, and in unmistakable ways he made known his desire that friends and opponents alike should cease to think of him in any political connection. He wished to remain upon the supreme court; he believed he ought to remain there; and at no time did he deviate in any degree from that wish and that belief.

The result arrived at in any particular case by a judge on the bench should not be looked upon by any one as a reason for giving or withholding support for that judge when he becomes a candidate for office. The outcome of a judicial proceeding cannot with propriety be regarded as a reason for political reward or punishment of a judicial officer openly participating therein. In the course of duty, yet, there are some who seek to do this as to Judge Hughes, at least, so far as one case is concerned. And the unfairness of the criticism in that case can be easily demonstrated. Before Justice Hughes became a member of the supreme court, the law in the so-called Danbury Hatters case had already been determined. Justice Hughes took no part in that decision. Later, when Justice Hughes was a member of the court, the case came back for the court to determine whether or not the trial court had applied the law to the facts. There was really no doubt about that question, and of course Justice Hughes gave his assent to the decision of the unanimous court, though he did not write the opinion.

But the supreme court of the United States is unlike other courts in this, that it is concerned not only in the adjudication of the controversies between litigants, but its prime function is the interpretation and construction of our fundamental law, the constitution of the United States and, as has been pointed out by Van Holst,

the constitution of the United States and as has been pointed out by Van Holst, in his "Constitutional Law of the United States," in his determination of constitutional questions, the judge must always keep in mind the point of view of the statesman.

So, another writer has said, "Save Washington, Hamilton and Lincoln, no American stands higher than Marshall (the second chief justice of the supreme court of the United States) as a constructive statesman in the work of the evolution of the Union."

## Politics No Consideration in His Court Decision.

During the six epoch-making years Justice Hughes was in the supreme court, from his opinions, then, on constitutional questions, we may learn, and it is entirely proper to discuss, his views as to the powers and functions of the national government. And, fortunately, these views were not expressed to get votes, but were gleaned from the opinions of a judge, deciding a case fairly and impartially, and are without any ulterior purpose.

The monumental and distinctive service rendered by Justice Hughes in the supreme court was in the so-called "State Rate Cases," an epochal series of controversies which arose, by reason of the attempt of the states to regulate transportation rates, and thus brought into the forefront again the old question of the limitations of state and national governments. It is not too much to say that these controversies subjected our dual system of state and national sovereignty to the most severe strain and test since the civil war.

The decision of these cases involved not only the prodigious labors of the perusal of an unprecedented quantity of printed records and exhaustive briefs, incident to the examination of the intricate questions of valuation, rates, returns, fixed charges, depreciation, repairs, intangible and physical property, franchises and the like, on which largely depended the determination of the reasonableness or confiscatory character of hundreds of orders of state commissions affecting thousands of rates over diverse areas, but also the preparation of opinions which necessarily undertook the task of making concrete, understandable,

workable and consistent, the practical applications of the general principles of state and national authority, hitherto stated in the most general terms in the federal constitution and expounded in terminology hardly less general, by Marshall and his successors in the constructive statesmanship of the supreme court of an earlier day. To what particular member of the court should this work be entrusted? Obviously to the youngest member, Charles E. Hughes, who had shown such mastery of similar problems in his work against the gas monopoly and the insurance scandal.

## Held Power of Congress Dominant.

Being entrusted with the duty of preparing the opinions in these cases, Hughes went about the task, as he had gone about all his previous tasks. The problems was this: "Shall national control in a national sphere be affirmed, clarified and made effective, or must it now break down, because of the complexity of present-day conditions? To solve this problem, Hughes first became acquainted with every fact in the voluminous records which could in any way bear upon the solution of the problem. Then he brought to bear upon it his judicial conception of the ability of our fundamental law, unchanging thought it be, to meet the changing conditions in every field of activity, including railroad regulation. The result was that his opinions in these cases in clarion tones announced and applied the doctrine that the authority of congress over interstate commerce and interstate rates is paramount, dominant, exclusive. This dominance is held to extend to every part and phase of interstate commerce and to every agency and instrumentality by the use of which it is anywhere carried on. It cannot be denied, thwarted or limited through any indirection or through the mere complexity of the transportation business and the inevitable commingling of interstate with interstate operations and properties. Interstate commerce is national, and the nation is supreme within the national field.

The task of judicial clarification and definition thus performed by Hughes is an undertaking in constructive statesmanship second only to that performed by Marshall, and his opinions in these state rate cases thus become the chart and compass of a revitalized and adequate nationalism.

Hughes Never Sought Public Office. Charles E. Hughes never in his life sought public office or service, and never accepted any except as he was called to them by the people. His personal desire was to remain on the bench, but he is a firm believer in the principle that the chief magistracy of the republic should neither be sought nor declined by any American citizen. Especially did Justice Hughes feel that in the present crisis of our national affairs, when he seemed the only man who could unite the two great political parties, the Republican and Progressive parties, did his fellow citizens have a right to summon him to the presidency. However much these two parties differ as to details, they both stand for the same principles of government. Their division four years ago allowed the Democratic party to gain control of the government, though it then and now only represents a minority of the people. To unite them and thus again restore the leadership of this nation to a majority of its people, Hughes was firmly convinced that he had no right to place his own present preference for a present post of service above the right of the people to draft him for the presidency at this critical time. So he freely gave up his life position, the highest to which a man limits, can attain, and became the leader of the reunited Republican party.

He stands as the candidate of that party wholly and solely for a vitalized and adequate nationalism. What that means, in relation to our fundamental law, we have already learned. What it means, as applied to the great political issues now before the people, shall be the concluding chapter in this series.

As a Justice of the Supreme Court, in administering his functions as such, in construing and interpreting our fundamental law, Justice Hughes always stood for a vitalized Nationalism which consisted in the establishing of the paramountcy of national to state railroad regulation and extending the application of the commerce clause of the constitution to achieve reforms of evils flourishing in the twilight zone between the authority of state and nation.

Mr. Wilson stands for the doctrine of states rights as interpreted by a southern Democracy, which is antagonistic to nationalism. He denounced, several years ago, the invocation of the commerce clause to permit Federal regulation of child labor, and only last July, in deference to political expediency, reversed his position and assented to the passage of the child labor law under the commerce clause as originally proposed by the Republicans.

Nationalism Broad as the Constitution. It is but natural that as candidate for the presidency, Mr. Hughes should stand for the same sort of nationalism as applied to the issues in the interpretation of the Constitution. He stands for a nationalism that involves the making of the United States impregnable to attack by a foreign foe. On this question he stands where he has always stood as shown by a comparison with his utterances now and in 1908. In this he is in accord with his party, which placed and maintained the navy in second world rank until Democratic ascendancy allowed the sea force to fall into fourth if not fifth place.

Mr. Wilson steadfastly opposed adequate national defense until last July when he became an apparent evangelist-hour convert to preparedness.

yielding to an overwhelming public sentiment. His change of heart came in time to save the Navy Bill from Democratic laughter, but was too late to prevent the passage of a totally inadequate Army bill, which already is pronounced a failure. Mr. Wilson proposes to keep Daniels, the pacifist, at the head of the navy, and Baker, the pacifist, at the head of the army, and promises the pacifists that it is entirely possible that much of the money authorized navy construction may never be spent at all.

Mr. Hughes stands for a nationalism that means the protection of Americans and American rights and business interests abroad. This stand is that of the Republican party in promise and performance.

Mr. Wilson has not protected American life and property abroad and does not promise to do so if re-elected. He caused the Democratic party to amend its present platform so as to exempt Mexico from any promise to protect Americans abroad.

Mr. Hughes stands for a nationalism that will keep us neutral toward European belligerents. Earnest belief of the fulfillment of this promise is afforded by his attitude as investigator, governor and judge, which became notable as the embodiment of stern impartiality.

Mr. Wilson also promises neutrality. The value of his promise may be measured with all fairness by his action in the past, having talked neutrality but alternately lent support to one or the other of the contending nations.

Mr. Hughes stands for a nationalism that will benefit the entire country by a nonsectarian protective tariff, guaranteeing continuous employment to all American workmen, fostering of American industries and safeguarding the markets of all American farmers.

## Began His Career by Destroying Protective Tariff.

Mr. Wilson commenced his career as president by destroying the protective tariff, but later restored protection to certain articles, to the benefit of certain sections of the country and consequent discrimination against other sections of the country and particularly of the west. He makes no promise to establish a protective tariff, and while he is now an evangelist-hour convert to the idea of a tariff commission, that is only a temporary body which may be abolished after election as he had congress abolish the Taft non-partisan tariff commission.

Mr. Hughes stands for nationalism in the administration of the nation's business. He promises to abolish the "pork barrel" and establish a budget system of estimate and expenditure, making for economy in government.

His record shows that he made good a similar promise as governor of New York.

Mr. Wilson promises no reform in this particular. He has signed all the "pork barrel" bills put through by southern spoilsmen and failed to establish a budget system.

Mr. Hughes stands for a nationalism that means the extension of the merit rule in public service and to merit rule in political office. He made good a similar promise as governor, thus incurring the enmity of machine party men.

Mr. Wilson promises no change in policy. Mr. Wilson permitted the south policy, which has permitted the southern spoilsmen to run riot in the public service, but he has brought down upon his administration the censure of the National Civil Service Reform League, of which he was a vice-president until 1913.

If you are in favor of nationalism as opposed to sectionalism in the domestic policy of our government, if you are in favor of consistent nationalism as opposed to weak vacillation in our foreign policy, vote for Charles E. Hughes for president of the United States tomorrow.

try, or on November 14. On that day will expire the two months' limitation prescribed by Carranza's decree of September 14, the first article of which required all owners of mines in Mexico to resume work within two months under pain of having their property forfeited to the Carranza government. As construed by the Mexican authorities, the decree requires that every American company owning a Mexican mine must resume operation with at least as many men as before operations were suspended, within the prescribed two months.

This statement is made by the Hon. Ralph D. Cole, of Ohio. Mr. Cole continues:

"As if determined to promote the forfeiture of American property to the Carranza regime, the state department has refused persistently to issue passports to Americans desiring to return to Mexico, on the ground that a state of war exists and that it is not safe for Americans to return."

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16 B	17 B	18 B	19 B	20 B	21 B	22 B
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